

Claims 1-4 and 6-12 stand rejected under 35 U.S.C. §102(b) as being anticipated by Nissen et al., U.S. Patent No. 3,084,616. Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nissen et al. in view of Hunot et al., U.S. Patent No. 6,393,971. Lastly, claims 13-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nissen et al. in view of Tippmann et al., U.S. Patent No. 5,421,246. Applicants respectfully traverse these rejections for the reasons set forth below and request that the rejections be withdrawn.

In particular, with respect to the rejection of independent claim 1 as being anticipated by Nissen et al., Examiner will note that claim 1 recites first and second roller tiers, with the second roller tier "spaced vertically apart from" the first roller tier. Claim 1 further recites that the first and second roller tiers are staggered relative to each other from a rear to a front of the housing.

Applicants respectfully submit that in the heating and roasting device of Nissen et al., the front and rear banks of tubes (16) lie in a common horizontal plane as shown in Fig. 2. Therefore, Nissen et al. does not teach or suggest vertically spaced apart first and second roller tiers as claimed by Applicants in independent claim 1. Moreover, Nissen et al. fails to teach or suggest vertically spaced apart first and second roller tiers which are staggered relative to each other from a rear to a front of the housing as claimed by Applicants in independent claim 1. Consequently, Applicants respectfully submit that Nissen et al. fails to teach or

suggest the combination of elements recited in independent claim 1 and the rejection should be withdrawn.

With respect to the rejections of independent claims 13, 20 and 22 as being obvious over the combination of Nissen et al. in view of Tippmann et al., Examiner will note that claim 13 recites first, second and third vertically spaced apart roller tiers which are staggered relative to each other from a rear to a front of the housing. Independent claim 20 recites a plurality of vertically spaced apart roller tiers which are staggered relative to each other from a rear to a front of the housing. Lastly, independent claim 22 recites a method of heating elongated food items by contacting the food items with a plurality of rollers arranged into vertically spaced roller tiers which are staggered relative to each other from a rear to a front of a housing.

As noted above, Nissen et al. is completely silent with respect to vertically spaced part roller tiers, or such vertically spaced apart roller tiers which are staggered relative to each other from a rear to a front of the housing as claimed by Applicants. Applicants respectfully submit Tippmann et al. does not cure the deficiencies in the teachings of Nissen et al. to render obvious Applicants' claims and the rejections of independent claims 13, 20 and 22 should be withdrawn.

More particularly, Tippmann et al. is directed to a rack for heating or cooling food products contained on a pan (see Col. 2, lines 47-52). The rack includes pan supports (12) for providing a support surface on which the pan of food

can be cooled, warmed or cooked by conductive thermal transfer between the support surface and the pan. In the rack of Tippmann et al., the pan supports (12) are vertically aligned and, therefore, are not staggered relative to each other from a rear to a front of the rack as claimed by Applicants. Additionally, food items are not received between the tubular members (14) of the Tippmann et al. rack for contacting and heating the food items as claimed.

Applicants respectfully submit that the prior art of record provides no teaching or motivation to modify the heating and roasting device of Nissen et al. to include vertically spaced apart tiers of heated rollers for contacting and transferring heat to food items received between the rollers, and to stagger the tiers of heated rollers relative to each other from a rear to a front of the housing as claimed by Applicants. Applicants submit that the combination of elements recited in each of independent claims 1, 13, 20 and 22 is not taught or suggested by the prior art of record and the rejections of these claims should be withdrawn.

Moreover, as claims 2-12, 14-19, 21 and 23-24 depend from allowable independent claims 1, 13, 20 and 22, respectively, and further as each of these claims recites a combination of elements not taught or suggested by the prior art of record, Applicants respectfully submit that these claims are allowable as well.

If there is any issue that remains which may be resolved by telephone conference, the Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

Applicants do not believe that this response requires that any fees be submitted, however, if any fees are deemed necessary, these may be charged to Deposit Account No. 23-3000.

Respectfully submitted,

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